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Chair: Mr. Kohona ..... (Sri Lanka)

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Completion of the Committee's work

The meeting was called to order at 10.05 a.m.

Agenda item 166: Report of the Committee on Relations with the Host Country
(A/68/26, A/C.6/68/L.26)

1. **Mr. Emiliou** (Cyprus), speaking as Chair of the Committee on Relations with the Host Country, introduced the report of the Committee (A/68/26). During the reporting period, concerns had been raised about the delay in the issuance of entry visas, which had affected delegates' participation in the high-level segment of the sixty-eighth session of the General Assembly. A representative of the host country had explained the complexities of the cases concerned and had assured the Committee that his Government took seriously its obligations under international law and the Headquarters Agreement between the United Nations and the host country. Other issues discussed included parking services and the closure of the bank accounts of some permanent missions, which had been a recurrent issue since the Assembly's sixty-sixth session. The host country had continued its efforts to work with the permanent missions concerned in order to find a bank willing to provide the required services.

Draft resolution A/C.6/68/L.26: Report of the Committee on Relations with the Host Country

2. **Mr. Emiliou** (Cyprus), introducing the draft resolution on behalf of the sponsors, said that the text summarized the contents of the Committee's report (A/68/26) and endorsed the recommendations contained therein.

3. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia and the Republic of Moldova, expressed appreciation for the Committee's work in addressing issues faced by the diplomatic community as well as the efforts of the host country to promote mutual understanding between that community and the people of New York. The Committee dealt with issues that, while often practical in nature, also depended on the legal regime governing the status of the United Nations and the rights and obligations of diplomatic agents. The observance of the privileges and immunities of diplomatic personnel was of great importance. In that regard, the integrity of the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and the Convention on the Privileges and Immunities of the United Nations must be safeguarded.

4. He thanked the host country for its continued efforts to issue entry visas in a timely manner to representatives of Member States and observers. He also welcomed its efforts to help permanent missions find suitable banking services, which were indispensable for their effective functioning. He endorsed the conclusions and recommendations in the report of the Committee on relations with the Host Country, an important forum that allowed Member States to communicate matters of concern and engage in constructive dialogue with the host country.

5. **Mr. Hassan Ali** (Sudan) said that the Committee on Relations with the Host Country helped to resolve the procedural obstacles faced by permanent missions in the host country, foremost among them being the timely issuance of entry visas. His delegation was concerned, however, about the major and deliberate violations of the Headquarters Agreement by the host country, which threatened to undermine the future of the United Nations and the principles enshrined in its Charter. The President of the Sudan, Omer Al-Bashir, who had been elected through a democratic process deemed free and fair by international observers, had been denied an entry visa into the United States and had thus been prevented from participating in the general debate of the General Assembly. That unacceptable act undermined the Headquarters Agreement and had created a breach between Member States and the host country.

6. While recognizing the great effort put in by the United States in hosting the United Nations, including providing security to the permanent missions, his delegation condemned the differential treatment that the host country afforded to diplomatic missions depending on their State's positions vis-à-vis those of the United States. The host country had undertaken arbitrary procedures which had led to the closure of the bank accounts of several permanent missions, including that of the Sudan, which had been denied access to banking services for three years. Many Member States had also endured delays in the issuance of visas for their diplomatic personnel. In fact, the authorities of the host country often refused to issue entry visas without explanation or issued them only in response to an incident.

7. His delegation had made every effort to cooperate in order to resolve those issues. He called on the President of the General Assembly and the Secretary-General to make greater efforts to ensure respect for the Headquarters Agreement, and condemned all actions that hindered the work of the permanent missions.

8. **Mr. Arbogast** (United States of America) said that the United States of America was proud to serve as host country to the United Nations and was grateful to the delegations that had recognized its efforts. His Government had fulfilled the relevant treaty obligations since 1946 and remained committed to doing so in the future. The Committee on Relations with the Host Country was a valuable forum in which to discuss issues relating to the presence of the dynamic diplomatic community in New York and to address its concerns. The host country greatly valued the Committee's constructive spirit and efficiency and welcomed the presence at its meetings of numerous observer delegations, which had made the deliberations open and more representative of the diplomatic community. The Committee's discussions in 2013 had focused on mitigating delays in visa issuance, ensuring the safety and security of permanent missions and facilitating their access to banking services.

9. *Draft resolution A/C.6/68/L.26 was adopted.*

10. **Mr. de Antueno** (Argentina), speaking in explanation of position, said that his delegation wished to recognize the assistance that the Permanent Mission of the United States had provided to the Permanent Mission of Argentina by cooperating with the local authorities of the State of New York, on a strictly voluntary basis and without prejudice to its privileges and immunities, in response to a request made regarding a local staff member of the Argentine Mission.

Agenda item 77: Responsibility of States for internationally wrongful acts
(*continued*) (A/C.6/68/L.19)

Draft resolution A/C.6/68/L.19: Responsibility of States for internationally wrongful acts

11. *Draft resolution A/C.6/68/L.19 was adopted.*

Agenda item 78: Criminal accountability of United Nations officials and experts on mission
(*continued*) (A/C.6/68/L.15)

Draft resolution A/C.6/68/L.15: Criminal accountability of United Nations officials and experts on mission

12. *Draft resolution A/C.6/68/L.15 was adopted.*

13. **Ms. Taratukhina** (Russian Federation), speaking in explanation of position, said that, while her delegation had joined the consensus on the draft resolution, it wished to clarify its interpretation of the new language that had been added to paragraph 17. It understood the phrase "referrals to appropriate authorities for prosecution" to mean that the relevant cases would be referred to the State of nationality of the United Nations official or expert in question. In addition, the topic should not be further developed in the context of a resolution.

Agenda item 79: Report of the United Nations Commission on International Trade Law on the work of its forty-sixth session (*continued*) (A/C.6/68/L.9, A/C.6/68/L.10, A/C.6/68/L.11 and A/C.6/68/L.12)

Draft resolution A/C.6/68/L.9: Report of the United Nations Commission on International Trade Law on the work of its forty-sixth session

14. **The Chair** announced that Denmark, Germany and Malta had joined the sponsors of the draft resolution.

15. *Draft resolution A/C.6/68/L.9 was adopted.*

Draft resolution A/C.6/68/L.10: Revision of the Guide to Enactment of the UNCITRAL Model Law on Cross-Border Insolvency and part four of the UNCITRAL Legislative Guide on Insolvency Law

16. *Draft resolution A/C.6/68/L.10 was adopted.*

Draft resolution A/C.6/68/L.11: UNCITRAL Guide on the Implementation of a Security Rights Registry

17. *Draft resolution A/C.6/68/L.11 was adopted.*

Draft resolution A/C.6/68/L.12: United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013)

18. *Draft resolution A/C.6/68/L.12 was adopted.*

Agenda item 82: Diplomatic protection (*continued*) (A/C.6/68/L.16)

Draft resolution A/C.6/68/L.16: Diplomatic protection

19. Draft resolution A/C.6/68/L.16 was adopted.

Agenda item 83: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm (*continued*) (A/C.6/68/L.20)

Draft resolution A/C.6/68/L.20: Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

20. *Draft resolution A/C.6/68/L.20 was adopted.*

Agenda item 84: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/68/L.18)

Draft resolution A/C.6/68/L.18: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

21. *Draft resolution A/C.6/68/L.18 was adopted.*

Agenda item 86: The scope and application of the principle of universal jurisdiction (*continued*) (A/C.6/68/L.17)

Draft resolution A/C.6/68/L.17: The scope and application of the principle of universal jurisdiction

22. *Draft resolution A/C.6/68/L.17 was adopted.*

Agenda item 168: Observer status for the International Conference of Asian Political Parties in the General Assembly (*continued*) (A/C.6/68/L.3)

Draft resolution A/C.6/68/L.3: Observer status for the International Conference of Asian Political Parties in the General Assembly

23. **The Chair** announced that the sponsors of the draft resolution had decided not to pursue the request for observer status in the General Assembly for the International Conference of Asian Political Parties, while reserving the right to present it at a future session.

Agenda item 169: Observer status for the International Chamber of Commerce in the General Assembly (*continued*) (A/C.6/68/L.4)

24. **Mr. Fize** (France) said that the request for observer status for the International Chamber of Commerce in the General Assembly had not been challenged on the basis of the knowledge and perspective that the organization could bring to discussions in the Assembly. The sponsors of the draft resolution remained convinced that there would be clear benefits to hearing the views of the private sector. However, questions had been raised in respect of the legal criteria for the granting of observer status to the organization. Given the lack of consensus, he proposed that consideration of the agenda item should be deferred to the sixty-ninth session of the General Assembly.

25. **The Chair** said he took it that the Committee wished to defer consideration of the agenda item to the sixty-ninth session of the General Assembly.

26. *It was so decided.*

Agenda item 81: Report of the International Law Commission on the work of its sixty-third and sixty-fifth sessions (*continued*) (A/68/10, A/C.6/68/L.23 and A/C.6/68/L.24)

Draft resolution A/C.6/68/L.23: Reservations to treaties

27. **Mr. Silva** (Brazil), introducing the draft resolution on behalf of the Bureau, said that it followed the pattern of previous General Assembly resolutions on texts presented by the International Law Commission, with a few technical updates. In paragraph 3, the General Assembly would take note of the Guide to Practice on Reservations to Treaties presented by the Commission, including the guidelines, the text of which would be annexed to the resolution, and would encourage its widest possible dissemination.

28. *Draft resolution A/C.6/68/L.23 was adopted.*

Draft resolution A/C.6/68/L.24: Report of the International Law Commission on the work of its sixty-fifth session

20. **Mr. Silva** (Brazil), introducing the draft resolution on behalf of the Bureau, said that the text was very much similar to those of previous years and updated General Assembly resolution 67/92, focusing in particular on the areas reflected in chapters II, III

and XII of the Report of the International Law Commission on the work of its sixty-third and sixty-fifth sessions (A/68/10). The preamble had been amended to reflect the holding of the International Law Seminar, which in 2014 would commemorate its fiftieth anniversary. Paragraphs 1 to 8 had been updated to take account of the work accomplished by the Commission at its sixty-fifth session, making particular reference to the topics on which Member States had been requested to provide specific information, as well as to the inclusion of two new topics in its programme of work and one topic in its long-term programme of work.

30. Paragraphs 10 to 23 essentially updated the previous year's resolution; in paragraph 14, the General Assembly would take note of paragraph 192 of the report of the Commission and would decide that the next sessions of the Commission should be held at the United Nations Office at Geneva from 5 May to 6 June and from 7 July to 8 August 2014. Paragraphs 24 to 37 addressed administrative and other aspects concerning the proper and efficient functioning of the Commission, taking into account the issues highlighted in chapter XII of the report of the Commission; paragraphs 27 to 29, which were new, reflected the importance attached to the *Yearbook of the International Law Commission*. In paragraph 32, the Assembly would take note of the Commission's decision to organize a commemoration of the fiftieth anniversary of the International Law Seminar, while in paragraph 38, it would recommend that the debate on the report of the Commission at the sixty-ninth session of the General Assembly should commence on 27 October 2014.

31. **Mr. Korontzis** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of procedure of the General Assembly, said that the decision contained in paragraph 14 of the draft resolution would require 10 weeks of meetings, whereas the level of resources included under section 8, Legal affairs, of the proposed programme budget for the biennium 2014-2015, provided for split sessions of up to nine weeks each year. The tenth week of meetings would entail additional requirements in the amount of $123,600 in 2014. The same amount would be required for each week of meetings in excess of the nine weeks provided for in the proposed programme budget for 2015. Accordingly, should the General Assembly adopt the draft resolution, additional requirements in the amount of $123,600 per week of meetings in excess of nine weeks would arise under section 8, Legal affairs, of the proposed programme budget for the biennium 2014-2015. However, every effort would be made to absorb those additional requirements within the resources included for section 8, Legal affairs, in the proposed programme budget for the biennium 2014-2015, and the outcome would be reported in the context of the second performance report for the biennium 2014-2015.

32. *Draft resolution A/C.6/68/L.24 was adopted.*

Agenda item 85: The rule of law at the national and international levels (*continued*) (A/C.6/68/L.22)

Draft resolution A/C.6/68/L.22: The rule of law at the national and international levels

33. **Mr. Sousa Bravo** (Mexico), introducing the draft resolution on behalf of the Bureau, said that the text was based on General Assembly resolution 67/97, a reference to which had been added in the first preambular paragraph. The wording of paragraph 17 had been updated such that the General Assembly would decide to include the item in the provisional agenda of its sixty-ninth session and would invite Member States to focus their comments in the upcoming Sixth Committee debate on the subtopic "Sharing States' national practices in strengthening the rule of law through access to justice".

34. *Draft resolution A/C.6/68/L.22 was adopted.*

Agenda item 87: The law of transboundary aquifers (*continued*) (A/C.6/68/L.25)

Draft resolution A/C.6/68/L.25: The law of transboundary aquifers

35. **Mr. Takahashi** (Japan), introducing the draft resolution on behalf of the Bureau, said that the text was similar to those of previous years, with a few changes. The third preambular paragraph noted that the provisions of the draft articles had been taken into account in relevant instruments such as the Guarani Aquifer Agreement and the Model Provisions on Transboundary Groundwaters, adopted in 2012 by the sixth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. In paragraph 1, the General Assembly would commend to the attention of Governments the draft articles on the law of

transboundary aquifers annexed to the resolution as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers. In paragraph 3, the General Assembly would decide to include the item in the provisional agenda of its seventy-first session.

36. *Draft resolution A/C.6/68/L.25 was adopted.*

Agenda item 135: Programme planning

37. **The Chair** explained that the agenda item had been allocated to all Committees on an annual basis since the sixty-first session of the General Assembly. However, no reports under that item had been provided to the Sixth Committee at the current session.

Agenda item 122: Revitalization of the work of the General Assembly (A/C.6/68/L.21)

Draft decision A/C.6/68/L.21: Provisional programme of work of the Sixth Committee for the sixty-ninth session

38. The Chair drew attention to the provisional programme of work of the Sixth Committee for the sixty-ninth session, contained in draft decision A/C/6/68/L.21.

39 **Ms. Dieguez La O** (Cuba), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the Community wished to express its solidarity with the people of the Philippines and Somalia in the wake of the natural disasters they had recently suffered, and extended its condolences to the victims' families. CELAC welcomed the Secretariat's endeavour to avoid overlapping of the Committee's meetings with those of other bodies at which legal experts were expected to speak, and stressed the importance of making continued efforts in that regard.

40. CELAC wished to reiterate its concern at the continuing delays in the issuance of some reports, which seriously compromised the quality of the Committee's debate and made it difficult for Member States to review those documents properly. The annual report of the International Law Commission posed a particular problem in that regard, owing to the complexity of its subject matter, the number of related reports by special rapporteurs and the usefulness of comments by delegations. CELAC therefore requested that the Secretariat should take all necessary measures to prevent such delays from occurring in the future and that the reports in question should be issued in all six official languages in accordance with the six-week rule for the availability of documentation.

41. The Committee must strive to devote sufficient time to consideration of the report of the International Law Commission. CELAC supported a more interactive debate and a closer working relationship between the Commission and the Committee. Special rapporteurs needed more financial support and should be given the opportunity to travel to Headquarters in order to work directly with the legal experts of Member States. The possibility of holding part of the annual session of the Commission in New York should be considered in order to allow for a truly interactive dialogue with Committee experts. The Secretariat should assess the feasibility of those proposals in order to facilitate the Committee's discussions at the sixty-ninth session of the General Assembly.

42. While CELAC welcomed the efforts to ensure transparent, inclusive and efficient working methods, more needed to be done. The coordination of draft resolutions, which were not proposed by individual States and were usually adopted by consensus, must take geographical distribution into account and the allocation of time to each agenda item must be based on the nature of that item. For example, it was not feasible to expect that several requests concerning the granting of observer status could be introduced and discussed in one meeting. In addition, there was a consensus within the Committee that the Secretariat should request organizations seeking observer status to provide copies of their constitutive instruments, along with an explanatory memorandum and a draft resolution, for review.

43. The work of revitalizing the General Assembly should be strengthened through the adoption of agendas designed to achieve more ambitious goals. The Assembly, which was the primary deliberative, policymaking and representative organ of the United Nations, enjoyed all legal prerogatives to take action and many of its resolutions embodied important principles concerning peaceful relations among States. Its inclusive, democratic nature gave it legitimacy and prestige as the ultimate expression of the principle of the sovereign equality of States. CELAC noted with concern that many of the Assembly's resolutions were not being implemented and called for an appropriate balance among the principal organs of the United

Nations in accordance with the Charter of the United Nations. In order for the Organization to play a credible role in the contemporary system of international relations, the Assembly must be at the centre of the multilateral framework. Its revitalization was essential to genuine reform of the United Nations.

44. *Draft decision A/C.6/68/L.21 was adopted.*

Agenda item 5: Election of the officers of the Main Committees (*continued*)

45. **The Chair** said that, in accordance with rule 99 (a) of the rules of procedure of the General Assembly and rule 103, as amended by General Assembly resolution 58/126, all the Main Committees should, at least three months before the opening of the session, elect a Chair and a full Bureau. Based on the interim arrangement concerning the rotation of Chairs of the Main Committees of the General Assembly, contained in General Assembly decision 68/505, it was his understanding that the Chair of the Sixth Committee for the sixty-ninth session of the General Assembly would be selected by the African States. He suggested that the regional groups should hold consultations at an appropriate time to ensure that the Committee was in a position to elect its next Chair, three Vice-Chairs and Rapporteur at least three months before the opening of the sixty-ninth session of the Assembly.

Completion of the Committee's work

46. After the customary exchange of courtesies, **the Chair** declared that the Sixth Committee had completed its work for the sixty-eighth session.

The meeting rose at 11.45 a.m.